

DEC 28 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JORGE AGUILAR VAZQUEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, ** Attorney
General,

Respondent.

No. 06-75495

Agency No. A95-305-223

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 20, 2007***

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Michael B. Mukasey is substituted for his predecessor, Alberto R. Gonzales, as Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Jorge Aguilar Vazquez seeks review of an order of the Board of Immigration Appeals (“BIA”) affirming an immigration judge’s (“IJ”) order denying his application for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review de novo claims of constitutional violations in immigration proceedings, *see Ram v. INS*, 243 F.3d 510, 516 (9th Cir. 2001), and we deny the petition for review.

Aguilar Vazquez contends the IJ violated due process by exhibiting bias. Contrary to Aguilar Vazquez’s contention, the proceedings were not “so fundamentally unfair that [he] was prevented from reasonably presenting [his] case.” *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) (citation omitted). Moreover, the BIA’s independent discretionary determination cured any IJ error regarding Aguilar Vazquez’s stepfather’s eligibility for Social Security benefits. *See Elnager v. INS*, 930 F.2d 784, 787 (9th Cir. 1991); *see also Colmenar*, 210 F.3d at 971 (requiring prejudice to prevail on a due process challenge).

PETITION FOR REVIEW DENIED.